

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FINJAN SOFTWARE, LTD., an Israel
corporation,

Plaintiff,

v.

SECURE COMPUTING CORPORATION,
a Delaware corporation, CYBERGUARD,
CORPORATION, a Delaware corporation,
WEBWASHER AG, a German corporation
and DOES 1 THROUGH 100,

Defendants.

C. A. No. 06-369-GMS

PUBLIC VERSION

**AFFIDAVIT OF MEGHAN ASHLEY WHARTON IN SUPPORT OF
FINJAN'S MOTION *IN LIMINE* NO. 3 TO EXCLUDE EXPERT OPINION
AND TESTIMONY OF CARL G. DEGEN RELATING TO
INFRINGEMENT OF FINJAN'S PATENTS**

OF COUNSEL

Paul J. Andre
Lisa Kobialka
Perkins Coie LLP
101 Jefferson Drive
Menlo Park, CA 94025-1114
(650) 838-4300

Philip A. Rovner (#3215)
POTTER ANDERSON & CORROON LLP
Hercules Plaza
P. O. Box 951
Wilmington, DE 19899
(302) 984-6000
provner@potteranderson.com

Attorneys for Plaintiff
Finjan Software, Ltd.

Dated: December 27, 2007
Public Version: January 14, 2008

I, MEGHAN ASHLEY WHARTON, declare:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for Finjan Software, Ltd ("Finjan"). I have personal knowledge of the facts set forth in this affidavit and can testify competently to those facts.

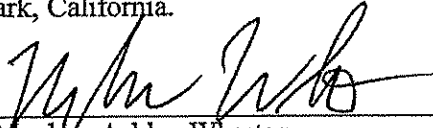
2. Secure Computing Corporation ("Secure Computing"), Cyberguard Corporation, and Webwasher AG (collectively "Defendants") and Finjan agreed to exchange rebuttal expert reports on December 12, 2007.

3. Defendants' technical expert, Dan Wallach, submitted his rebuttal expert report on December 12, 2007 setting forth opinions regarding the validity of Secure Computing's patents-in-suit: U.S. Patent Nos. 7,185,361 and 6,357,010 and Defendants' infringement of Finjan's patents-in-suit: U.S. Patent Nos. 6,092,194, 6,804,780 and 7,058,822 (the "Finjan patents"). Defendants' damages expert, Carl G. Degen, submitted the Response Expert Report of Carl G. Degen on December 12, 2007 setting forth opinions regarding damages to be paid by Defendants if the Finjan patents are found to be valid and infringed by the Defendants' accused products.

4. Attached hereto as Exhibit 1 is a true and correct copy of the Response Expert Report of Carl G. Degen served on December 12, 2007.

I declare under penalty of perjury under the laws of the State of California and the United States that each of the above statements is true and correct.

Executed on December 27, 2007, in Menlo Park, California.


Meghan Ashley Wharton

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Philip A. Rovner, hereby certify that on January 14, 2008, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

BY HAND DELIVERY AND E-MAIL

Frederick L. Cottrell, III, Esq.
Kelly E. Farnan, Esq.
Richards, Layton & Finger, P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19801
cottrell@rlf.com; farnan@rlf.com

I hereby certify that on January 14, 2008 I have sent by E-mail the foregoing document to the following non-registered participants:

Jake M. Holdreith, Esq.
Christopher A. Seidl, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402
jmholdreith@rkmc.com; caseidl@rkmc.com

/s/ Philip A. Rovner
Philip A. Rovner (#3215)
Potter Anderson & Corroon LLP
Hercules Plaza
P.O. Box 951
Wilmington, Delaware 19899
(302) 984-6000
E-mail: provner@potteranderson.com